

configured to employ label stacking to establish at least one of said label switched paths.

17. (New) A virtual private network according to Claim 1 wherein said first router is configured to employ a best hop protocol to establish at least one of said label switched paths.

18. (New) A virtual private network according to Claim 17 wherein said second router is configured to employ a best hop protocol to establish at least one of said label switched paths.

REMARKS

Reconsideration and allowance of the claims are respectfully requested. Claims 1-10 and 15-18 are now in this application. Claims 15-18 have been added. Support can be found for these new claims on page 7, line 14 - page 8 line 18 of the detailed description.

In the October 22, 2001 Office Action, the Examiner rejected claims 1-3 and 5-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,999,536 ("Kawafuji"). Applicants respectfully traverse these rejections.

According to the Examiner:

Kawafuji discloses a virtual private network which enables private communications, over a network, between at least two private networks comprising: a first router coupled to the network and configured to dynamically distribute first router VPN information across the network, wherein the first router VPN information includes a VPN identifier which is assigned to said first router (col. 9, line 49 - col. 10, line 24); a second router coupled to the network and configured to dynamically distribute second router VPN information across the network, wherein the second router VPN information includes a VPN identifier which is assigned to said second router (col. 9, line 49 - col. 10, line 24); and wherein said VPN identifier assigned to said first router is the same as said VPN identifier assigned to said second router (the identifiers will be the same when

packets are being distributed between terminals on the same VPN).

While applicants do not disagree with the Examiner that Kawafuji discloses a virtual private network, that is where the agreement ends. The portion of Kawafuji that the Examiner cites to, particularly col. 9, line 49 - col. 10, line 24 does not relate to a virtual private network and does not render the claims of the present application obvious. A careful reading of the portion of Kawafuji that the Examiner cites to reveals that this portion describes an alternate embodiment of the invention in which "the terminal apparatuses connected to a plurality of connection ports of a switching hub are formed into a plurality of groups to construct virtual LANS." (Col. 9, Lines 49-51). Virtual LANs are not the same as Virtual private networks. A virtual private network connects two or more networks together through a shared network, whereas a virtual LAN separates different groups of "terminal apparatuses" connected to a common hub.

According to the claims of the present invention, there is a "first router coupled to the shared MPLS network. . .and a second router coupled to the shared MPLS network" or a "first router means coupled to the shared MPLS network. . .and a second router means coupled to the shared MPLS network." The portion/embodiment of Kawafuji that the Examiner cites to does not have a "shared network" and thus does not teach or suggest a first or second router coupled to a shared network. Accordingly, applicants respectfully request that the rejection of Claims 1 and 7 be withdrawn and Claims 1 and 7 be allowed.

In addition to the above reason, Claims 1 and 7 include the fact that the first and second routers/router means are assigned a VPN Id. There is nothing in Kawafuji either in the discussion of VPNs or the discussion of VLANs that teaches or suggests assigning a VPN Id to

the routers. In the discussion about VPNs, Kawafuji discloses that the routers are assigned IP addresses (Figs. 1 and 7), but it does not disclose or suggest a VPN Id assigned to the router. In the discussion about VLANs that the Examiner cited to, Kawafuji discloses that the "terminal apparatuses" are assigned VLAN Ids, and that the routers include memory tables which associate the VLAN ID, the IP address, the MAC address and the port number for the "terminal apparatuses" (See Fig. 6 and Col. 9, lines 53-58), however, there is no teaching or suggestion of assigning a VLAN ID or a VPN ID to a router, only to the "terminal apparatuses." Accordingly, for these reasons and the reasons discussed above, applicants respectfully request that the rejection of Claims 1 and 7 be withdrawn and Claims 1 and 7 be allowed.

Still further, Claims 1 and 7 include the fact that the VPN Id assigned to the first router/router means is the same as the VPN Id assigned to the second router/router means. As stated previously, there is nothing in Kawafuji that teaches or suggests assigning a VPN Id to the router. Accordingly, there is nothing in Kawafuji that teaches or suggests assigning the same VPN Id to both the first and second routers. According to the Examiner, "(the identifiers will be the same when packets are being distributed between terminals on the same VPN)." However, applicants respectfully assert that the Examiner is misreading the claims. The claims call for "wherein said VPN identifier assigned to said first router is the same as said VPN identifier assigned to said second router." This language does not state that the VPN Id of the packets being distributed through the routers will have the same VPN Id, instead they state that the routers themselves will be assigned the same VPN Id. Kawafuji does not teach or suggest any identifier, that is associated with both a first and a second router. Accordingly, since this element is not taught or suggested by Kawafuji and for the reasons stated previously, applicants

respectfully request that the rejection of Claims 1 and 7 be withdrawn and Claims 1 and 7 be allowed.

Claims 2-3 and 5-6 depend from claim 1 and further define and limit the invention called for in the independent claim, as well as call for additional limitations. Therefore, for the reasons states above and other reasons not stated, each of claims 2-3 and 5-6 likewise defines a combination that is patentably distinguishable over Kawafuji. Accordingly, applicants respectfully request that the rejection of these claims be withdrawn and these claims be allowed to issue.

Claims 8-9 depend from claim 7 and further define and limit the invention called for in the independent claim. Therefore, for the reasons states above and other reasons not stated, claims 8 and 9 likewise defines a combination that is patentably distinguishable over Kawafuji. Accordingly, applicants respectfully request that the rejection of these claims be withdrawn and these claims be allowed to issue.

Accordingly, the withdrawal of the rejection of Claims 1-3 and 5-9 under 35 U.S.C. § 103 is respectfully requested.

The Examiner also objected to claims 4 and 10 as being dependent upon a rejected base claim. For the reasons set out above, it is submitted that claims 4 and 10 are in condition for allowance.

No new matter has been added and no additional fee is believed to be necessary.

This responses attends to each and every point noted by the Examiner. The claims are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to Applicant's undersigned attorney, to expedite further processing of the application to allowance.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard M. Lehrer", written over a horizontal line.

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